

DECLARATION IN COPENDING APPLICATION
CONTAINING ADDITIONAL SUBJECT MATTER

ATTORNEY'S DOCKET NO.

I, the below named inventor, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

that I verily believe that I am the original, first and sole inventor if only one name is listed at 201 below, or a joint inventor if plural

inventors are named below at 201-203, of the invention entitled: ODD BOUNCE IMAGE ROTATION SYSTEM IN

ELLIPSOMETER SYSTEMS

which is described and claimed in the attached specification;

that this application in part discloses and claims subject matter disclosed in my earlier filed pending application,

Serial No. 60/281,706, filed 04/06/01;

that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application; that as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application;

that the common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and

as to applications for patents or inventor's certificate on the common subject matter filed in any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns,

☒ no such applications have been filed, or

☐ such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO SAID EARLIER APPLICATION

that as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application;

that said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

as to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns,

☒ no such applications have been filed, or

☐ such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION, IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration no.)

JAMES D. WELCH

REG. NO. 31,216

SEND CORRESPONDENCE TO:

JAMES D. WELCH
10328 PINEHURST AVE.
OMAHA, NE 68124

DIRECT TELEPHONE CALLS TO:
(name and telephone number)

JAMES D. WELCH
402-391-4448

201	FULL NAME OF INVENTOR	FAMILY NAME HERZINGER	FIRST GIVEN NAME CRAIG	SECOND GIVEN NAME M.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 444 N 44th St. #1522	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68503
202	FULL NAME OF INVENTOR	FAMILY NAME GREEN	FIRST GIVEN NAME STEVEN	SECOND GIVEN NAME E.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 3430 S 33rd St.	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68506
203	FULL NAME OF INVENTOR	FAMILY NAME JOHS	FIRST GIVEN NAME BLAINE	SECOND GIVEN NAME D.
	RESIDENCE & CITIZENSHIP	CITY LINCOLN	STATE OR FOREIGN COUNTRY NEBRASKA	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 420 W. CHANCELER DR.	CITY LINCOLN	STATE & ZIP CODE/COUNTRY NE 68521
204	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I have reviewed and understood the content of the application, including the Claims as amended and specifically referred to below.

Craig M. Herzinger James D. Welch Ben D. Johnson

9-25-01 9-25-01 9-26-01
DATE DATE DATE

STATUS AS A SMALL ENTITY

The undersigned, CRAIG M. HERZINGER, STEVEN E. GREEN and BLAINE D. JOHS aver that they are the Inventors of the invention titled, "ODD BOUNCE IMAGE ROTATION SYSTEM IN ELLIPSOMETER SYSTEMS", and that they are independent inventors in accordance with Section 1.9(c) of 37 C.F.R., and that they qualify as a Small Entity as defined in Section 1.9(f) of 37 C.F.R.

Craig M. Herzinger 9-25-01
CRAIG M. HERZINGER DATE

STEVEN E. GREEN 9-25-01
STEVEN E. GREEN DATE

Blaine D. Johs 9-26-01
BLAINE D. JOHS DATE